

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:19-cv-00411-BAH**

ASIAN AMERICANS ADVANCING JUSTICE – LOS  
ANGELES v. UNITED STATES CITIZENSHIP AND  
IMMIGRATION SERVICE

Assigned to: Chief Judge Beryl A. Howell  
Cause: 05:552 Freedom of Information Act

Date Filed: 02/18/2019

Jury Demand: None

Nature of Suit: 895 Freedom of  
Information Act

Jurisdiction: U.S. Government Defendant

**Plaintiff**

**ASIAN AMERICANS ADVANCING  
JUSTICE – LOS ANGELES**

represented by **Christopher Lapinig**  
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V.

**Defendant**

**UNITED STATES CITIZENSHIP  
AND IMMIGRATION SERVICE**

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**TERMINATED: 07/15/2019**

| Date Filed | #        | Docket Text   |
|------------|----------|---|
| 02/18/2019 | <u>1</u> | COMPLAINT against UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICE ( Filing fee \$ 400 receipt number 0090-5952769) filed by ASIAN AMERICANS ADVANCING JUSTICE – LOS ANGELES. (Attachments: # <u>1</u> Exhibit EXHIBIT A, # <u>2</u> Exhibit EXHIBIT B, # <u>3</u> Exhibit EXHIBIT C, # <u>4</u> Exhibit EXHIBIT D)(Cohen, David) (Entered: 02/18/2019)  |
| 02/18/2019 | <u>2</u> | REQUEST FOR SUMMONS TO ISSUE filed by ASIAN AMERICANS ADVANCING JUSTICE – LOS ANGELES. (Attachments: # <u>1</u> Summons Summons USCIS, # <u>2</u> Summons Summons USA)(Cohen, David) (Entered: 02/18/2019)  |
| 02/19/2019 |          | Case Assigned to Chief Judge Beryl A. Howell. (zef) (Entered: 02/19/2019)   |
| 02/19/2019 | <u>3</u> | CIVIL COVER SHEET by ASIAN AMERICANS ADVANCING JUSTICE – LOS ANGELES filed by ASIAN AMERICANS ADVANCING JUSTICE – LOS ANGELES.(Cohen, David) (Entered: 02/19/2019)  |
| 02/19/2019 |          | SUMMONS Not Issued as to UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICE. (zef) (Entered: 02/19/2019)   |
| 02/19/2019 | <u>4</u> | REQUEST FOR SUMMONS TO ISSUE filed by ASIAN AMERICANS ADVANCING JUSTICE – LOS ANGELES.(Cohen, David) (Entered: 02/19/2019)  |
| 02/19/2019 | <u>5</u> | SUMMONS (3) Issued Electronically as to UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICE, U.S. Attorney and U.S. Attorney General. (Attachments: # <u>1</u> Notice and Consent)(zef, ) (Entered: 02/19/2019)   |
| 02/19/2019 | <u>6</u> | STANDING ORDER. Signed by Chief Judge Beryl A. Howell on February 19, 2019. (lcbah1) (Entered: 02/19/2019)  |
| 03/18/2019 | <u>7</u> | MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Christopher Lapinig, :Firm– Asia Americans Advancing Justice Los Angeles, :Address– 1145 Wilshire Blvd, Los Angeles, CA 90017. Phone No. – 1-888-349-9695. Filing fee \$ 100, receipt number 0090-6007513. Fee Status: Fee Paid. by ASIAN AMERICANS ADVANCING JUSTICE – LOS ANGELES (Attachments: # <u>1</u> Declaration)(Cohen, David) (Entered: 03/18/2019) |
| 03/18/2019 | <u>8</u> | MOTION for Leave to Appear Pro Hac Vice :Attorney Name– John Trang, :Firm– Asia Americans Advancing Justice Los Angeles, :Address– 1145 Wilshire Blvd, Los Angeles, CA 90017. Phone No. – 213--241-0225. Filing fee \$ 100, receipt number 0090-6007525. Fee Status: Fee Paid. by ASIAN AMERICANS ADVANCING JUSTICE – LOS ANGELES (Attachments: # <u>1</u> Declaration)(Cohen, David) (Entered: 03/18/2019)           |
| 03/18/2019 | <u>9</u> | MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Laboni Hoq, :Firm– Asia Americans Advancing Justice Los Angeles, :Address– 1145 Wilshire Blvd, Los Angeles, CA 90017. Phone No. – 213-977-5211. Filing fee \$ 100, receipt number 0090-6007527. Fee Status: Fee Paid. by ASIAN AMERICANS ADVANCING JUSTICE – LOS ANGELES (Attachments: # <u>1</u> Declaration)(Cohen, David) (Entered: 03/18/2019)            |

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| 03/19/2019 |           | MINUTE ORDER (paperless) GRANTING the plaintiff's <u>7</u> Motion for Admission <i>Pro Hac Vice</i> , <u>8</u> Motion for Admission <i>Pro Hac Vice</i> , and <u>9</u> Motion for Admission <i>Pro Hac Vice</i> . Mr. Lapinig, Mr. Trang and Ms. Hoq may enter an appearance <i>pro hac vice</i> for the purpose of representing the plaintiff in this action. Signed by Chief Judge Beryl A. Howell on March 19, 2019. (lcbah1) (Entered: 03/19/2019)   |
| 03/22/2019 | <u>10</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 3/6/2019. Answer due for ALL FEDERAL DEFENDANTS by 4/5/2019. (Cohen, David) (Entered: 03/22/2019)   |
| 03/22/2019 | <u>11</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICE served on 2/25/2019 (Cohen, David) (Entered: 03/22/2019)  |
| 03/22/2019 | <u>12</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 2/25/2019. (Cohen, David) (Entered: 03/22/2019)   |
| 04/17/2019 |           | DISCHARGED PURSUANT TO MINUTE ORDER ENTERED ON 4/24/2019.....MINUTE ORDER (paperless) DIRECTING the plaintiff TO SHOW CAUSE, by April 29, 2019, why this action should not be dismissed for failure to prosecute pursuant to Local Civil Rule 83.23. The <u>1</u> Complaint was filed on February 18, 2019 and the defendants were served copies of the summons and complaint on February 25, 2019 and March 6, 2019, respectively. <i>See</i> <u>10</u> Return of Service/Affidavit, <u>11</u> Return of Service/Affidavit, and <u>12</u> Return of Service/Affidavit. No answer or other response has been timely filed, <i>see</i> 5 U.S.C. § 552(a)(4)(C), and no other action taken in the case. Signed by Chief Judge Beryl A. Howell on April 17, 2019. (lcbah1) Modified on 4/25/2019 (hmc). (Entered: 04/17/2019) |
| 04/17/2019 |           | Set/Reset Deadlines: Response to Show Cause due by 4/29/2019. (tg) (Entered: 04/17/2019)   |
| 04/23/2019 | <u>13</u> | NOTICE ( <i>Agreement And Resolution</i> ) by UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICE (Nebeker, William) (Entered: 04/23/2019)   |
| 04/24/2019 |           | MINUTE ORDER (paperless) DISCHARGING, upon consideration of the parties' <u>13</u> Agreement and Resolution, the Court's April 17, 2019 Order to Show Cause and EXTENDING, upon consideration of the defendant's agreement to waive any defense of insufficient service of process, <i>see</i> <u>13</u> Agreement and Resolution, the defendant's deadline to answer the plaintiff's <u>1</u> Complaint until May 6, 2019. The parties are reminded that "[a] request for a court order must be made by motion." <i>see</i> Fed. R. Civ. P. 7(b). Signed by Chief Judge Beryl A. Howell on April 24, 2019. (lcbah1) (Entered: 04/24/2019)   |
| 04/25/2019 |           | Set/Reset Deadlines: Defendant's Answer to Plaintiff's Complaint due by 5/6/2019. (hmc) (Entered: 04/25/2019)  |
| 05/06/2019 | <u>14</u> | ANSWER to Complaint by UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICE.(Nebeker, William) (Entered: 05/06/2019)  |
| 05/20/2019 | <u>15</u> | Joint STATUS REPORT by UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICE. (Nebeker, William) (Entered: 05/20/2019)   |
| 05/21/2019 |           | MINUTE ORDER (paperless) DIRECTING, upon consideration of the parties' <u>15</u> Joint Status Report, the parties to submit, by May 28, 2019, a Joint Meet and Confer Report consistent with the <u>6</u> Standing Order, paragraph 3. Signed by Chief Judge Beryl A. Howell on May 21, 2019. (lcbah1) (Entered: 05/21/2019)   |
| 05/21/2019 |           | Set/Reset Deadlines: Joint Meet & Confer Statement due by 5/28/2019. (tg) (Entered: 05/21/2019)  |
| 05/28/2019 | <u>16</u> | Joint STATUS REPORT by ASIAN AMERICANS ADVANCING JUSTICE – LOS ANGELES. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F)(Cohen, David) (Entered: 05/28/2019)  |
| 05/30/2019 |           | MINUTE ORDER (paperless) ISSUING, upon consideration of the parties' <u>16</u> Joint Status Report ("JSR") and apparent inability to confer effectively on a joint proposed schedule, the following SCHEDULING ORDER:  |

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|            |           | <p>(1) by June 6, 2019, the defendant shall provide the plaintiff with:</p> <p>(a) the information identified in JSR ¶¶ 8(a), (c) and (d) regarding "two previous FOIA requests (by unidentified parties)," JSR ¶ 7; and</p> <p>(b) an estimate of when documents responsive to the "two previous FOIA requests" referenced in JSR ¶¶ 7, 16<sup>TM</sup>8 and proposed to be substituted for plaintiff's requests (a)(2) (18), would be produced;</p> <p>(2) by June 13, 2019, the parties shall file a joint status report indicating whether they have reached an agreement:</p> <p>(a) to substitute the two previous FOIA requests referenced in JSR ¶¶ 7, 16<sup>TM</sup>8 for plaintiff's requests (a)(2) (18);</p> <p>(b) on a timeline for the production of records responsive to plaintiff's requests (a)(1) and (b)(1) (7); and</p> <p>(c) on a proposed scheduling order that reflects the parties' agreement, or, if no agreement has been reached, an explanation for the perceived deficiencies in the opposing party's proposed schedule;</p> <p>(3) if the parties do not reach an agreement for the production of records responsive to the plaintiff's FOIA requests, the parties shall file a joint status report, by July 1, 2019 and every 30 days thereafter, detailing the status of the defendant's search for, and processing of, responsive records so that the Court may ensure expeditious resolution of this matter. Those status reports must include:</p> <p>(a) identification of the search terms used to identify responsive records, as well as the components and records custodians within USCIS subject to the search;</p> <p>(b) the number of responsive records for which processing is completed;</p> <p>(c) the estimated number of responsive records still being processed;</p> <p>(d) the number of responsive records being processed each month; and</p> <p>(e) the estimated date, based on the monthly processing rate, when the processing and production of responsive records to the plaintiff will be completed.</p> <p>Signed by Chief Judge Beryl A. Howell on May 30, 2019. (lcbah1) (Entered: 05/30/2019)</p> |
| 05/30/2019 |           | Set/Reset Deadlines: Defendant's submission to plaintiff due by 6/6/2019; Joint Status Report due by 6/13/2019; Joint Status Report due by 7/1/2019, and every 30 days thereafter, if the parties do not reach an agreement for the production of records responsive to plaintiff's FOIA requests. (tg) (Entered: 05/30/2019)  |
| 06/13/2019 | <u>17</u> | NOTICE of Appearance by Joshua L. Rogers on behalf of All Defendants (Rogers, Joshua) (Entered: 06/13/2019)  |
| 06/13/2019 | <u>18</u> | Joint STATUS REPORT by ASIAN AMERICANS ADVANCING JUSTICE – LOS ANGELES. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Cohen, David) (Entered: 06/13/2019)  |
| 07/01/2019 | <u>19</u> | ENTERED IN ERROR.....Joint STATUS REPORT by ASIAN AMERICANS ADVANCING JUSTICE – LOS ANGELES. (Attachments: # <u>1</u> Exhibit A)(Cohen, David) Modified on 7/3/2019 (znmw). (Entered: 07/01/2019)  |
| 07/02/2019 | <u>20</u> | ERRATA by ASIAN AMERICANS ADVANCING JUSTICE – LOS ANGELES <u>19</u> Status Report filed by ASIAN AMERICANS ADVANCING JUSTICE – LOS ANGELES. (Cohen, David) (Entered: 07/02/2019)   |
| 07/02/2019 | <u>21</u> | Amended STATUS REPORT by ASIAN AMERICANS ADVANCING JUSTICE – LOS ANGELES. (Attachments: # <u>1</u> Exhibit A)(Cohen, David) (Entered: 07/02/2019)  |
| 07/02/2019 |           | NOTICE OF HEARING. The parties shall take notice that a Status Hearing is scheduled for 7/9/2019, at 9:30 AM in Courtroom 22A before Chief Judge Beryl A. Howell. (tg) (Entered: 07/02/2019)   |
| 07/03/2019 |           | NOTICE OF CORRECTED DOCKET ENTRY: Docket Entry <u>19</u> Status Report was entered in error and was refiled by counsel as Docket Entry <u>21</u> Status Report. (znmw) (Entered: 07/03/2019)   |
| 07/09/2019 |           | Minute Entry for proceedings held before Chief Judge Beryl A. Howell: Status Conference held on 7/9/2019. (Order forthcoming). (Court Reporter: Elizabeth  |

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|            |           | Saint-Loth.) (tg) (Entered: 07/09/2019)   |
| 07/09/2019 |           | MINUTE ORDER (paperless) ISSUING, upon consideration of the record in this case and the proceedings held on July 9, 2019, the following SCHEDULING ORDER: (1) by July 10, 2019 at 4 P.M., the parties shall complete any consultation needed for the defendant to search for records responsive to part (b) of the plaintiff's FOIA request; (2) by August 8, 2019, the defendant shall complete its search of each of the ten offices identified in the <u>21</u> Joint Status Report at 10 for records responsive to parts (a) and (b) of the plaintiff's FOIA request and the parties shall file a joint status report with: (A) the total number of records returned from the defendant's search of each office; (B) the number of records that the defendant will process each month; (C) the estimated date, based on the monthly processing rate, when rolling production of responsive records will begin and end; and (D) a proposed schedule for further proceedings. Signed by Chief Judge Beryl A. Howell on July 9, 2019. (lcbah1) (Entered: 07/09/2019)   |
| 07/09/2019 |           | Set/Reset Deadlines: The parties shall complete any consultation needed for the defendant to search for records responsive to part (b) of the plaintiff's FOIA request by 7/10/2019. Joint Status Report due by 8/8/2019. (tg) (Entered: 07/09/2019)  |
| 07/15/2019 | <u>22</u> | NOTICE OF WITHDRAWAL OF APPEARANCE as to UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICE. Attorney Joshua L. Rogers terminated. (Rogers, Joshua) (Entered: 07/15/2019)  |
| 08/08/2019 | <u>23</u> | Joint STATUS REPORT by ASIAN AMERICANS ADVANCING JUSTICE – LOS ANGELES. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L)(Cohen, David) (Entered: 08/08/2019)  |
| 08/12/2019 |           | <p>MINUTE ORDER (paperless) ISSUING, upon consideration of the parties' <u>23</u> Joint Status Report, which indicates that a large volume of pages of potentially responsive records have been identified, amounting to a group of between 28,000 and 37,500 pages and a second group of between 5,946,820 to 11,893,640 pages, the following SCHEDULING ORDER: (1) by September 13, 2019, the defendant shall make a first production of responsive records to the plaintiff; and (2) modifying the SCHEDULING ORDER entered on May 30, 2019, and directing the parties to file a joint status report by September 18, 2019, and every 30 days thereafter, detailing the status of the defendant's search for, and processing of, responsive records so that the Court may ensure expeditious resolution of this matter. Those joint status reports must include:</p> <p>(a) identification of the search terms used to identify responsive records, as well as the components and records custodians within USCIS subject to the search;</p> <p>(b) the number of responsive records for which processing is completed;</p> <p>(c) the estimated number of responsive records still being processed;</p> <p>(d) the number of responsive records being processed each month;</p> <p>(e) the estimated date, based on the monthly processing rate, when the processing and production of responsive records to the plaintiff will be completed; and</p> <p>(f) a full explanation from the defendant for any failure to address any of the items (a)–(e) above.</p> <p>Signed by Chief Judge Beryl A. Howell on August 12, 2019. (lcbah4) (Entered: 08/12/2019)</p> |
| 08/12/2019 |           | Set/Reset Deadlines: Defendant's first production of responsive records to the plaintiff due by 9/13/2019; Joint Status Report due by 9/18/2019, and every 30 days thereafter. (tg) (Entered: 08/12/2019)   |